

EXHIBIT E

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VIA EMAIL TO WHITEJ@HOWREY.COM

August 19, 2009

Jason White
Howrey LLP
321 North Clark Street, Suite 3400
Chicago, IL 60654

Re: *nXn Tech, LLC v. Google Inc., et al.*

This letter memorializes several of the topics discussed during today's meet and confer between nXn Tech. and Google:

Source Code:

Counsel for Yahoo stated that they have a computer with source code available for an inspection in Houston. After NXn advised that, as per the terms of the protective order, such code would need to be produced in Dallas, Yahoo committed to promptly provide a location in Dallas where such production would be made. Counsel for Yahoo also agreed to provide confirmation that Eclipse software will be installed. Additionally, nXn expects that two computers will be provided with such code as further provided by the protective order.

Deposition Dates:

nXn expressed concern that it has several outstanding deposition requests and has been waiting for dates (and 30(b)(6) designees) for many weeks. Counsel for Yahoo admitted that Yahoo has been slow in providing such dates, and stated that he would attempt to provide some dates on or before August 21, 2009. nXn suggested the week of August 31st or shortly thereafter. The parties had previously discussed combining 30(b)(1) and 30(b)(6) depositions when possible. Therefore, please identify which, if any 30(b)(1) witnesses will be designated by Yahoo as 30(b)(6) witnesses as well, and the specific topics upon which these witnesses would be so designated.

Ilya Geller Deposition

nXn confirmed that Mr. Geller's deposition would begin at 9:30 and that 6 hours total would be scheduled per Mr. Geller's health. Thus, an equitable split of time would give defendants 3 hours (1 ½ for Google and 1 ½ for Yahoo) and nXn 3 hours. nXn pointed out that Brian Cannon had insisted that Defendants question Mr. Geller first.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ari Rafilson", followed by a long horizontal flourish.

Ari Rafilson